

REMARKS/ARGUMENTS

Claims 1-4, 6-7, 11-14, 18-21, 23-24, 28-31, 33-34, 37-40 and 42-43 have been amended. These claims have been amended to better clarify the present invention. It will be apparent that no changes have been made in order to overcome any of the Examiner's rejections or for any reason related to patentability. For example, replacing "web pages with virtual plaque" to "web pages having one or more virtual plaques" corrects an obvious typographical error and does not change the scope of the claim. Claims 44-72 have been added by this Amendment. Applicants submit that support for the claim amendments and the new claims can be found throughout the specification, and that no new matter has been added. Support for new claims 55-72 may be found, for example, at page 5 (lines 5-8) and page 14 (lines 1-8) of the Specification. Claims 1-72 are currently pending in the application.

§ 103 Claim Rejections - Claims 1-6, 8-33 and 35-43

Claims 1-6, 8-33 and 35-43 stand rejected under § 103(a) over U.S. Publication No. 2002/0049816 to Costin, IV et al. ("Costin") in view of U.S. Patent No. 6,460,072 to Arnold et al. ("Arnold"), and further in view of U.S. Publication No. 2002/0004757 to Torres et al. ("Torres"). Applicants respectfully traverse the Examiner's rejections for at least the following reasons.

Independent claims 1 and 43, as amended, recite, *inter alia*, the steps of "displaying one or more web pages having one or more virtual plaques honoring donors; . . . and updating the one or more virtual plaques when a donation is made." Similarly, independent claim 42, as amended, recites, *inter alia*, the steps of "displaying one or more web pages having one or more virtual plaques honoring donors; . . . and modifying the one or more virtual plaques when a donation is

made." Independent claim 20, as amended, recites, *inter alia*, "one or more web pages having one or more virtual plaques honoring donors; . . . and means for updating the one or more virtual plaques on the web pages when a donation is made." Similarly, independent claim 39, as amended, recites, *inter alia*, "one or more web pages having one or more virtual plaques honoring the donors; and means for modifying the one or more virtual plaques when a donation is made."

New independent claims 47 and 51 include similar recitations. Specifically, new independent claim 47 recites, *inter alia*, "displaying one or more virtual plaques on the website, the one or more virtual plaques including information honoring donors to the organization; and updating the one or more virtual plaques to include new donor information when a donation is made to the organization." New independent claim 51 recites, *inter alia*, "one or more virtual plaques on the website, the one or more virtual plaques including information honoring donors to the organization; and means for updating the one or more virtual plaques to include new donor information when a donation is made to the organization."

These aspects of the independent claims of the present application are neither disclosed, taught nor suggested by Costin, Arnold and/or Torres, taken alone or in combination.

Costin proposes a system for e-businesses to partner with charitable organizations to host fundraising events on-line with interactive participation. Costin employs the concept of "cause marketing," which combines advertising and charitable giving by merging a business activity with a relevant cause through advertising, marketing and charitable giving for mutual gain.

According to Costin, a host business sponsor will expose its customers to a particular cause at the sponsor's website and, similarly, donors who have visited the website of the cause will become informed of the association between the cause and the business sponsor. In such a system, some

customers of the business may be moved to make a donation to the cause and, likewise, donors to the cause may be moved to visit the sponsor's website and purchase goods and/or services.

(Costin, [0067])). Incentives, such as discounts, coupons, tickets and merchandise, may be provided to a customer/donor in exchange for a contribution. (Costin, [0068])). As admitted by the Examiner, Costin does not disclose honoring the donors, via a virtual plaque(s) or otherwise, and/or updating virtual plaque(s) on the web pages when a donation is made. (Office Action dated March 29, 2004, pg. 2).

The Examiner alleges that Arnold discloses displaying one or more web pages with virtual displays or pages. It is the Examiner's opinion that virtual plaques are just another form of a web page image display. Applicants strongly disagree.

As used in the present application, "[a] virtual plaque refers to a plaque that is created on a web page and which honors and acknowledges a donor. A virtual plaque may include the name of a single donor or the names of a plurality of donors on a web page." (Specification, pg. 10, lns. 13-16). While the virtual plaque can include a variety of information, art work and other design, the purpose of the virtual plaque is to publicly honor the donors for a prolonged time period, which encourages a viewer of the virtual plaque to make a donation so that the viewer can get his/her own virtual plaque as a result of making the donation. (*see* Specification, pg. 12, lns. 14-17). The virtual plaque may be updated with the new donor's name and other information, or a new virtual plaque may be created for the new donor. (*see* Specification, pg. 15, lns. 16-19). The virtual plaques may be e-mailed by the donor to others, *e.g.*, to friends and/or family, to spread the message about the charitable cause. (*see* Specification, pg. 14, lns. 17-21).

The use of virtual plaques provides for improved payment behavior by pledgors, and also encourages more frequent and larger donations. Once a donation has been made, the donor may, for example, be instantly rewarded with a virtual plaque acknowledging his/her donation, which may provide strong motivation to a potential donor to donate. Additionally, the donor is provided with the ability to update or modify his/her new or updated virtual plaque, selecting particular words or phrases most appealing to the donor. Allowing the virtual plaque to be e-mailed by the donor to others, in addition to spreading the message about the charitable cause, also encourages the recipients of the e-mails to donate so that they may receive their own virtual plaque. Further, displaying of the virtual plaque on-line induces the pledgor to honor the pledge, thereby improving payment behavior. This is especially true if the pledgor has e-mailed the virtual plaque to others, since word of the pledge has been publicized to others.

Applicants respectfully submit that the teachings of Arnold are different and unrelated to the features recited in the claims of the present application. The claims of the present application are directed to a system and method of conducting a fundraising campaign by an organization over a wide-area network, such as, for example, the Internet. Arnold neither teaches nor suggests a system or method for conducting a fundraising campaign. In contrast, Arnold is directed to a computer method and system for tracking product sales on the Internet.

According to Arnold, a customer visits a virtual outlet web page which may show images of various products, with each image having a link to the website of the merchant of that product. By selecting the image of the product displayed, the customer is directed to the merchant web page to view more information about, or purchase, the product. By implementing sign-up and purchase mechanisms, the merchant website will automatically identify from which virtual outlet

the customer gained access to the merchant website. The merchant website will also be modified to include a link back to the virtual outlet web page.

Arnold is devoid of any teaching or suggestion directed toward any type of fundraising activity and honoring donors to that activity via virtual plaque(s). Arnold is solely directed toward purchasing products over the Internet and tracking those purchases. Arnold does not remotely teach or suggest displaying one or more web pages with a virtual plaque(s) honoring donors and updating the virtual plaque(s) when a donation is made.

Contrary to the teachings of Arnold, the claimed features of displaying virtual plaque(s) honoring donors, and updating the virtual plaque(s) when a donation is made, have no relevancy to purchasing products over the Internet and tracking those purchases. The virtual plaque(s) of the present invention motivate donors to make a charitable contribution by providing donors with, for example, an instant acknowledgement of the donation.

Torres is cited by the Examiner as teaching "honoring people in this case, loved ones," and "updating web page related information and databases." However, the specific paragraphs of Torres referenced by the Examiner are not pertinent to the present invention. Paragraph [0003, ln. 10] simply refers to considerations taken into account when planning a funeral, such as customizing materials, finishes, corner adornments and interiors of caskets to honor loved ones. This is commonly done when planning a funeral, and has nothing to do with fundraising. Paragraphs [0042, ln. 6] and [0103, ln. 2] simply refer to updating information stored in a database or a file. Again, the updating of information is commonplace in computer networks, and these paragraphs of Torres do not disclose any type of fundraising activity. Applicants fail to see how the teachings of Torres, which relate to the planning of a funeral, are even remotely pertinent to fundraising in general, yet alone a fundraising system and method implementing the

features of publicly honoring and acknowledging donors over the Internet through the use of virtual plaques.

Torres is directed toward a system and method for planning a funeral and creating an on-line funeral plan. Torres is devoid of any teaching or suggestion directed toward any type of fundraising activity and honoring donors to that fundraising activity via virtual plaque(s). Using the system of Torres, an individual can obtain pricing information on various products, services or funeral homes selected from among a plurality of homes. The user may develop a budget, create an on-line funeral plan, locate a funeral home, and access various databases all of which contain information relevant toward the planning of a funeral. The user may even purchase the funeral plan via the Torres system.

Contrary to the teachings of Torres, the claimed features of displaying virtual plaque(s) honoring donors, and updating the virtual plaque(s) when a donation is made, have no relevancy to planning a funeral. Simply updating catalog information stored in a database when planning a funeral is distinctly different than updating virtual plaques honoring donors when a donation is made. Displaying and updating the virtual plaques are designed to motivate donors to make a charitable donation by providing the donors with, for example, an instantaneous response honoring and acknowledging the donor.

There are key differences between Costin, Arnold and Torres and the features of the claims of the present application. First, as stated earlier, neither Arnold nor Torres are directed toward fundraising. Arnold and Torres are directed toward purchasing products and/or services over the Internet, which is distinctly different than conducting a fundraising campaign over a wide-area network, such as, for example, the Internet. While Costin is directed toward combining fundraising activities with business activities, the Examiner has admitted that Costin

does not teach or suggest honoring donors, via virtual plaques or otherwise, and updating the virtual plaques when a donation is made. (Office Action dated March 29, 2004, pg. 2). The deficiencies of Costin are neither taught nor suggested by Arnold and/or Torres and, accordingly, even assuming, *arguendo*, that the references could be properly combined, such a combination would not result in the claimed features of the present invention. None of the cited references teach or suggest providing or displaying one or more virtual plaques honoring donors, and updating the virtual plaques when a donation is made.

Additionally, Applicants submit that the Examiner has improperly combined the cited references. Costin is directed toward a "cause marketing" system combining advertising and charitable giving by merging a business activity with a relevant cause. Arnold is directed toward a system and method for tracking purchases over the Internet utilizing a virtual outlet website. Torres is directed toward a system and method for planning a funeral. All of the cited references are unrelated, and none include any suggestion or motivation for the combination proposed by the Examiner. Therefore, the Examiner's proposed combination is improper.

Applicants submit that the Examiner has not made out a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. As admitted by the Examiner, Costin does not disclose the features of honoring donors via virtual plaques, and updating the virtual plaques when a donation is made. Arnold and Torres are directed toward purchasing products and/or services over the Internet. The references are thus directed toward completely different subject matter, and there is no motivation or suggestion in the references to combine the teaching as the Examiner has proposed.

Further, in rejecting the claims, the Examiner has combined bits and pieces from various unrelated references without identifying the requisite suggestion in these references, or the incentive for, making this combination. It is improper to reject an applicant's claims by a piecemeal approach, wherein disjointed items comprising separate pieces of an applicant's claimed combination are ferreted out from the prior art and juxtaposed or conflated for the sole purpose of rejecting the claims under § 103, under which the invention as a whole must be judged. The Federal Circuit has repeatedly stated:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

...

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992) (citations omitted).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 21 USPQ2d 1941 (Fed. Cir. 1992). In the present case, neither the references themselves nor the knowledge generally available to one of ordinary skill in the art teach or suggest combining Costin, Arnold and Torres as proposed by the Examiner. The Examiner's proposed combination is therefore improper.

Accordingly, Applicants submit that independent claims 1, 20, 39, 42-43, 47 and 51 are allowable over these references.

Claims 2-6, 8-19, 21-33, 35-38, 40-41, 44-46, 48-50 and 52-54 depend directly or indirectly from independent claims 1, 20, 39, 47 or 51, recite further structural detail, and are also believed allowable.

§ 103 Claim Rejections - Claims 7 and 34

Claims 7 and 34 stand rejected under § 103(a) over Costin in view of Arnold and Torres, and further in view of U.S. Publication No. 2002/0004749 to Froseth et al. ("Froseth").

Applicants respectfully traverse the Examiner's rejections for at least the following reasons.

The deficiencies of Costin, Arnold and Torres as applied to independent claims 1 and 20 have been previous noted. Froseth does not overcome these deficiencies. Froseth is directed toward a system and method for selecting, ordering and distributing customized food products. Froseth is devoid of any teaching or suggestion related to plaques, donors, or to any type of fundraising activity.

Moreover, the Examiner cites Froseth as teaching "broadcasting the virtual plaque on television." However, Froseth merely states that a consumer may receive information from the merchant about its customized food products via television or radio. There is no teaching or suggestion of broadcasting any type of virtual plaque honoring donors in Froseth.

Accordingly, Applicants submit that claims 7 and 34 are allowable over Costin in view of Arnold and Torres, and further in view of Froseth.

Conclusion

In summary, none of the cited art teaches or suggests providing or displaying one or more web pages with virtual plaques honoring donors, and updating the virtual plaques on those web pages when a donation is made. Thus, for at least the above-identified reasons, Applicants submit the pending claims 1-43 are allowable over the references cited by the Examiner. Allowance and passage to issue are respectfully requested.

It is believed that this Amendment requires a two (2) month extension of time. Accordingly, a petition for a two (2) month extension of time and a check in the amount of \$210.00 for the two-month extension fee are enclosed herewith. Also enclosed is a check in the amount of \$347.00 to cover the extra claims fee. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment associated with this communication to Deposit Account No. 02-4553.

Respectfully submitted,



Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com
Attorney for Applicants

Dated:

8-19-2004